

DRAFT-MINIMUM STANDARDS FOR THE KEEPING OF ANIMALS

TOWN OF BEDFORD

BOARD OF HEALTH

(Effective ~~June 1~~September 1, 2016)

1.0 AUTHORITY

This regulation is promulgated pursuant to the authority granted to the Bedford Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations."

2.0 PURPOSE

This regulation has been promulgated to provide minimum standards for the protection of the public health, animals, and the environment. The following rules, ~~regulations~~requirements, and standards in this regulation are deemed by the Board of Health to be generally adequate to protect the public health, comfort, and the environment, in the interests of present and future citizens of Bedford. This regulation aligns with the December 2013 Bedford Comprehensive Plan Land Use vision for Residential Neighborhoods, by enabling Bedford residents to have the opportunity to participate in the growing national trend for small scale agricultural production.

Comment [BHM1]: I recommend changing "requirements" to "regulations" and adding "in this regulation" after "standards".

3.0 DEFINITIONS

Unless otherwise noted below, the following terms shall have the following definitions throughout this regulation.

Abutter: owners of the abutting land or property within three hundred (300) feet of the Applicant's property line. A person will only qualify as an abutter for the purpose of this regulation if ~~they~~he or she possesses an ownership interest in the abutting land or property.

Accessory Structure: a structure subordinate to the principal building on the same lot and serving an animal related use.

Acre: a tract of land consisting of 40,000 square feet in area.

Animal: all animals, including fowl, which are harbored as domesticated animals, excluding Household Pets.

Applicant: ~~a person~~one who applies for a permit to keep one or more Animals under this regulation.

Board of Health or “the Board”: the Bedford Board of Health and/or its agents.

Cockerel: young male chicken.

Coop: a structure for the keeping or housing of poultry, pigeons or other types of fowl.

Corral: any pen or enclosure for confining one or more Animals.

Dwelling: any building or shelter used or intended for human habitation.

Exotic: an animal not native to this region and/or country.

Facility: the total accommodations to be used for the keeping and care of animals, including but not limited to land, barn, stable, corral, pen, corral, loft and coop.

Farm: land ~~designated as Massachusetts General Laws Chapter 61A land by the Bedford Board of Assessors~~ or defined and documented as a farm (i.e. used for farming) by any other local, state or federal law or regulation.

Fowl: as used in these regulations shall mean all members of the bird family, and shall include chickens, capons, hens, turkeys, pigeons, peafowl, guinea fowl, ducks, swans, and geese (other than wild species), whether used for food, show or hunted as game. For the purposes of this regulation, the definition of “fowl” shall not include roosters or cockerels.

Henhouse or coop: a structure designed to house chickens.

Horse: any solid-hoofed animal including, but not limited to, a horse, donkey, pony or mule.

Household Pets: animals that are normally kept inside an owner’s residential dwelling or commercial building including but not limited to dogs, cats, ferrets, fish, domesticated or exotic birds, certain small, non-poisonous reptiles and guinea pigs, hamsters and mice.

Impervious Material: soils having a percolation rate greater than twenty (20) minutes per inch drop, and including but not limited to ledge, hardpan, clay, peat, loam, and organic matter.

Keeping of Animals Permit; or “Permit”: refers to a permit issued for the keeping or housing of one or more Animals in accordance with the provisions of this regulation.

Lot: A contiguous area of land in one ownership, with definite boundaries, used or available for use, as the site of one or more buildings or accessory structures, including open spaces required by this regulation. “Lot” includes the words “plot” or “parcel.”

Manure Management Plan (MMP): A plan for the handling of manure. The MMP shall address cleaning, composting, storage, utilization and removal of manure.

Comment [BHM2]: Which reptiles? I recommend stating what is meant by “certain” to avoid an issue with vagueness or a changing standard on qualifying reptiles. Would this be all reptiles except for those defined in “Wild Animals” below?

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Noise: sound of sufficient intensity and/or duration as to cause or contribute to a Nuisance Condition.

Nuisance: shall mean any condition, in the opinion of the Board of Health, that adversely affects the public health, comfort and/or the environment including, but not limited to, noise, offensive odor, attraction or breeding of flies or insects, an environment supporting growth of vermin, presence of rodents, liquid effluent or runoff, or any other condition having public health or environmental significance. This definition shall be include the construction of the term "nuisance" under mindful of M.G.L. CH c. 111 sec. 125A.

Comment [BHM3]: this seems to be missing words after "Health" -- one consideration is to state "that adversely affects the public health, comfort and/or the environment" after "Health", which identifies a standard.

Owner: every person who alone, or jointly, or severally with others (a) has legal title to any dwelling or dwelling unit, or (b) has care, charge, or control of any dwelling unit as agent, executor, executrix, administrator, administratrix, trustee, lessee, or guardian of the estate of the holder of legal title. Each such person thus representing the holder of legal title is bound to comply with the provisions of these regulations as if he/she were the owner.

Pen or run: a completely enclosed outdoor area designed to confine hens or other animals, and/or to provide protection from predators.

Permit holder: any person who has met the conditions of these regulations and has received a permit issued by the Board of Health to keep animals.

Person: every individual, partnership, corporation, firm, association, or group, including a city, town, county, or other governmental unit, owning property or carrying on an activity regulated by these regulations.

Pest Management Plan: is a plan, which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents, insects and the creation of odors and other nuisances.

Pigeons: member of the Columbidea family of birds that include 'racing', 'fancy', and 'sporting' pigeons.

Poultry: refers to domesticated or semi-domesticated birds including chickens, ordinarily kept for food or eggs.

Rooster: male chicken.

Runoff: water from natural or unnatural sources that flows over the surface of the ground.

Stable: a building or structure used for the shelter and/or feeding of one or more Animals.

Stall: a compartment in a stable used for the keeping of one or more animals.

Swamp: land which is wet and/or spongy during a major portion of the year.

Unsanitary Conditions: the Facility's state of being or condition which, in the judgment of the Board of Health, are conducive to or results in, breeding of flies, creation of offensive odors, rodent infestation, liquid effluent, runoff, and/or noise, in such concentrations and/or such duration as to cause a nuisance, be injurious, may be considered potentially injurious to human health, or unreasonably interfere with the health and safe enjoyment of life and property.

Usable Area: land area suitable for the raising of animals such as pastures, fields and wooded uplands. This area does not include wetlands, dwellings, or any other area(s) as may be restricted by town, state or federal [law, regulations or](#) guidelines.

Vermín: any of various insects, bugs, or small animals regarded as objectionable because of their destructive or disease-carrying nature including but not limited to flies, mosquitoes, lice, and rats.

Wetland: ~~s~~ Shall mean any wet meadows, marshes, swamps, bogs, and areas of flowing or standing water. Wetlands are characterized by the presence of wetland soils or the presence of plant communities which require the presence of water at or near the ground surfaces for a significant portion of the growing season or for 7 or 9 months of the year.

Wild Animal: any animal not normally found or kept as a domesticated animal, including but not limited to, alligators, monkeys, big cats (e.g. lions and tigers, etc.), great apes, and poisonous or constricting reptiles.

Young: Any animal that was born to an Animal located in Bedford and is still nursing. Age varies according to species.

4.0 GENERAL REQUIREMENTS

No person shall keep or allow to be kept within the limits of the ~~T~~town in any building, or any premises on which he may be the owner, lessee, tenant, or occupant, any Animal, aside from 4 or less fowl, without a written permit from the Board of Health.

4.1 The following animals are prohibited: Roosters, Cockerels and Wild Animals.

4.2 Front yard use for any part of the facility is prohibited.

4.3 ~~In n~~Non-residential and mixed use ~~zoning districts, es-as~~ are defined by the Bedford Zoning Bylaws and depicted on the Bedford Zoning ~~Districts~~ Map, ~~no person shall are prohibited from keeping an Animals as defined by in accordance with this r~~Regulation.

4.4 The Facility for the keeping of animals shall be located ~~on a lot~~ not less than:

a) 15 feet from any abutting property line

- b) 50 feet from any wetland, swamp or watercourse
- c) 100 feet from any abutting dwelling
- d) 100 feet from any well used as a supply of drinking water
- e) 10 feet from any part of any individual sewage disposal area
- f) ~~any stable shall be 35 feet and 15 feet from any public way, for a horse stable and corral, respectively, and the corral shall be 15 feet from any public way.~~

- 4.5 These regulations shall not apply to a parcel of land defined as a Farm.
- 4.6 Animals shall not be slaughtered at the property/permitted Facility within the Town of Bedford.
- 4.7 Animals must be treated in a humane manner at all times, including but not limited to, access to fresh food, water and protection from the elements as needed.
- 4.8 All facilities for the keeping of animals shall be securely fenced so as to prevent the escape of animals therefrom. At no time will Animals be allowed to roam unattended.
- 4.9 Property barriers such as fencing or closely planted trees shall be installed, or other appropriate measures taken, on areas of lots where it is necessary to discourage neighborhood children from wandering into the area of the facility, or on areas of lots where the location of the facility will ordinarily interfere with the healthy and safe enjoyment of an abutter's property.
- 4.10 A supply of potable water shall be available at or near the facility for feeding and cleaning.
- 4.11 Wild animals shall not be permitted except by expressed consent of the Board of Health.
- 4.12 The permit holder must reside on the property where the animals are stabled/kept unless approved under special permit by the Board of Health.

5.0 CONSTRUCTION AND CONSTRUCTION CHANGES

Any person who proposes to remodel an existing building or a portion thereof, or to construct a new building which is to be used in whole or in part as a facility for the keeping of animals shall, prior to such construction or remodeling, submit plans to the Board of Health for approval as well as to other Town officials for whom a permit, approval or license is required, such as but not limited to the Town's Inspector of Buildings-inspector, if as applicable necessary.

- a) Such construction or remodeling shall be commenced within ninety (90) days after Board of Health approval is given, and shall proceed without unreasonable delay, or approval under this regulation shall be null and void.
- b) The permit to keep animals shall be issued after construction or remodeling of the facility is completed and approved by the Board of Health and the building inspector of Buildings.
- c) In cases where a building permit is required, preliminary Board of Health approval shall be indicated by countersigning said building permit by the Board of Health or its authorized agent.
- d) In cases where a building permit is not necessary, approval by the Board of Health shall be given by means of the issuance of the animal permit itself.

6.0 SANITARY REQUIREMENTS

- 6.1 The owner, permit holder or other person(s) having control of any existing building or buildings hereafter erected or converted into a facility for the keeping of animals, shall keep said facility in a clean, wholesome and attractive condition, free from decaying food, filth, feces, and stagnant water. The buildings and pens of the facility shall periodically be disinfected, and put in such condition as may be ordered by the Board of Health.
- 6.2 No person owning a facility for the keeping of one or more animals shall willfully or through negligence, cause or allow:
 - a) Odors, pests or other nuisance conditions from animals, animal manure or other animal related activities to be perceptible at the property boundaries.
 - b) Drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged in runoff, or to flow over the surface of the ground onto neighboring property, public way or watercourse.
 - c) The floor and/or the ground of the facility for the keeping of animals to be designed, constructed, and/or maintained so as to cause or contribute to unsanitary conditions at said facility.
- 6.3 An MMP shall be in place and management and disposal of manure and soiled bedding shall be such as to minimize odors, breeding of flies, and the attraction of vermin. Manure shall be collected and stockpiled at a single location, carefully chosen to maximize the distance from abutting properties and watercourses, and with due consideration of the prevailing winds.
 - a) The manure shall not be stockpiled between the period of April 15 and October 15. If manure is disposed of by burying, the manure pit shall be no less than 25 feet from any lot line, 100 feet from any abutting dwelling, 50 feet from any

surface or sub-surface watercourses, and in well-drained soil with the bottom of the pit at least 3 feet above maximum ground water elevation.

- b) During warm weather, manure shall be treated with lime or superphosphate to minimize odors and treated with approved insecticides for fly control.
- c) The dimensions and/or drainage conditions of any particular lot may, in the opinion of the Board of Health, require off-property disposal of manure. In such cases the manure shall not be put out for general town trash collection. It shall be the responsibility of the owner to dispose of manure in a safe and sanitary manner.
- d) The composting of manure generated at permitted facilities will be allowed upon specific approval by the Board of Health.

6.4 Animals shall be maintained in a clean and healthy condition.

6.5 Any animal feed that is stored on, at, or proximate to the facility for the keeping of animals shall be stored in sealed, moisture-proof, vermin-proof, and rat-proof containers.

6.6 No owner of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow, or permit an infestation of vermin at said facility. The continuance of an infestation of vermin at or near the facility beyond a date specified by the Board of Health, when the owner of the facility has been ordered by the Board of Health to abate any such infestation in a safe and sanitary manner, shall be cause for revocation of permit and initiation of legal proceedings to eliminate said conditions.

6.7 Dead animals from a permitted facility shall be buried, incinerated, or disposed of in such a way as to prevent the attraction of flies and prevent odors. If buried, the animal shall be put in a hole and covered with at least four feet of compacted dirt. The burial site shall be at least 15 feet from any lot line, and 50 feet from any watercourse. ~~This regulation does not apply to animals which are slaughtered for use as edible meats.~~

~~6.8 Dead animals from a permitted facility shall be disposed of in such a way as to prevent the attraction of flies and prevent odors.~~

7.0 KEEPING OF EQUINES, BOVINES, SHEEP, LLAMAS AND GOATS

7.1: Land and Animal requirements:

- a) One (1) acre is required for one equine, one bovine, up to two sheep, one llama, one swine or up to two goats.
- b) Each additional animal up to a total of four (4) requires an additional 2/3 acre per animal. More than four equine, bovine, sheep or goats may be permitted to be kept on lots containing more than 2 1/2 acres, provided that lot dimensions are acceptable to the Board of Health, and provided that the granting of such permit will not adversely affect the public health, safety, and welfare.
- c) The usable area, drainage conditions and dimensions of the lot must also be acceptable to the Board of Health.
- d) Facilities for the keeping of animals under this section shall be located on well-drained land not susceptible to flooding. In no case shall a facility be located on impervious soil, or on ground on which stagnant water can collect. Locations requiring removal of impervious material shall be inspected by the Board of Health after excavation and before filling. Fill shall be of porous material such as gravel, coarse sand, or crushed rock, to a depth of at least twelve (12) inches, extending at least five (5) feet beyond the boundaries of the facility, and such that the finish grade within all parts of the facility are higher than the surrounding ground.

7.2: Stable Requirements: Stable(s) must be provided for the shelter of each animal and must:

- a) Provide 100 square feet of space for each animal over 200 pounds, and 60 additional square feet for each additional animal
- b) Be located at least 25 feet from any property line
- c) Be located at least 100 feet from any dwelling
- d) Be located at least 35 feet from any public or private way
- e) Be located at least 10 feet from any part of an individual sewage disposal system
- f) Have adequate bedding such as straw, hay or like material
- g) Be of sturdy construction and be well lighted so as to provide an adequate, healthy and safe environment for a horse.
- h) Provide adequate space to store related food and equipment.
- i) Provide doors of sufficient height and width to allow safe ingress and egress for horses.
- j) Have at least one window with screening for ventilation and light, with appropriate safeguards against drafts and the breaking of glass; and.
- k) Have flooring consisting of a material acceptable to the Board of Health including, but not limited to: hardwood, concrete, or a thin layer of sand and clay over a gravel base. The floor shall be constructed so as to provide adequate drainage, to prevent urine from accumulating, and to allow easy removal of manure and soiled bedding.

7.3: Corral Requirements:

- a) A horse corral must be provided and be constructed of sturdy material, visible to the horses, of at least five (5) feet in height, to adequately contain a horse and for the protection of people, other animals and contiguous property.
- b) The corral fencing shall be constructed of sturdy material, visible to the horses, of at least five (5) feet in height, and so as to adequately contain the horses and for the protection of persons and contiguous property.
- c) The corral area must be a minimum of one thousand (1,000) square feet, including the stable site for the keeping of one horse. An additional corral area of three hundred (300) square feet for each additional horse shall be required.

7.4: No person shall build or cause to be built, a stable or other building or a fence as part of a facility to keep an animal until compliance has been achieved with all applicable local codes, including but not limited to Building Codes.

7.5 Feces (manure) dropped by any equine, bovine, sheep, swine, llama or goat kept at said facility shall not remain on the ground or floor for a period of time in excess of three (3) days, or sooner if necessary to prevent a nuisance/unsanitary condition.

7.6 Under no circumstances shall an animal be allowed to be left tethered, unless in the presence of a responsible person, or to roam free.

8.0 KEEPING OF FOWL

8.1 No more than 4 fowl may be kept at a property without a permit from the Board of Health.

8.2 Fowl shall not be allowed to forage or stray outside the area of the facility.

8.3 No rooster shall be kept on a property in Bedford.

8.4 Facility (Coop and Pen) Requirements:

- a) A coop/henhouse is required for shelter of fowl:
 1. Coop must have a minimum interior floor surface of at least 2 square feet per bird.
- b) A Pen/Run is required for keeping fowl:
 1. Pen/Run must have a minimum ground surface of at least 5 square feet per bird.
 2. Facility Pen/Run must be 10 feet from property/lot line.
 3. Facility Pen/Run must be 20 feet from all residential dwellings.

8.5: Free-ranging of adult egg-laying hens is allowed under the following conditions:

Comment [BHM4]: I recommend changing this to "Pen/Run" to be consistent with b) above

Comment [BHM5]: I recommend changing "Facility" to "Pen/Run" to be consistent with b) above

Comment [BHM6]: I recommend changing "Facility" to "Pen/Run" to be consistent with b) above

- a) only in fully enclosed fenced-in yards,
- b) hens will be supervised at all times while roaming and,
- c) the permit specifically allows for free-roaming.

8.6: Fowl shall be kept within the confines of the facility (coop and pen) if free-roaming is not allowed under 8.5.

8.7: Coops for the keeping of fowl shall be disinfected at least twice a year and more as necessary.

8.8 All coops shall be cleaned of droppings no less often than once every two (2) weeks between April 15 to October 15 of a given year and once every four (4) weeks during the remaining period. Every means should be taken to minimize the dust created from dried fowl manure.

8.9 Keeping of Pigeons:

- a) A permit shall distinguish between pigeons permanently cooped and pigeons allowed free flight.
- b) Every effort and precaution shall be taken to minimize flying or roosting on, above, within or proximate to abutting properties. It shall be adequate cause for refusing or revoking a permit for the keeping of pigeons if the flying of said pigeons habitually interferes with the healthy and safe enjoyment of surrounding properties.
- c) Training and/or exercising of the pigeons shall be undertaken at such times of the day or seasons which do not coincide with the normal periods of yard use and enjoyment of neighbors.
- d) Exercise shall be allowed only under supervision of the owner and for limited durations.

9.0 APPLICATIONS, PERMITS, FEES

9.1 All new applications for a permit to keep animals shall be submitted on a form supplied by the Board of Health. Such application shall include:

a) A demographic plan:

1. How property will be used
2. The names and addresses of all abutters
3. The proposed location of the facility
4. The location of any streams, drains, or known sources of water supply within one hundred (100) feet of the facility.

b) A sanitary plan:

1. How the property shall be maintained to be kept clean and free of filth and stagnant water
 2. An MMP.
 3. The method to be used to control flies and rodents.
 4. The construction details of the facility with necessary drainage details
 5. Compliance with all required set-back distances.
 6. The type, location and dimension of fencing.
- 9.2 All permits shall specify the exact number and type of animals to be kept within the area described for the keeping of such. No animals in excess of the specified number shall be kept therein.
- 9.3 The licensing fee shall be that specified by the existing schedule of fees at the time of application or renewal.
- 9.4 Permits shall expire on April 30 of each year, unless sooner revoked or temporarily suspended by the Board of Health upon violation by the holder of any of the provisions of ~~these~~ regulations.
- 9.5 Application for renewal of permit shall be made each year on or before April 1 of each year, unless a later filing is allowed by the Board for good cause. New and renewal applications shall be on a form approved by the Board of Health.
- 9.6 The person or persons who have had a permit denied or canceled shall be ordered to remove all unlicensed animals from the property occupied by said animals.
- 9.7 A permit to stable or keep animals on property in the Town of Bedford is not transferable.
- 9.8 All permits issued for the keeping of animals prior to the adoption of ~~these~~ regulations shall be valid, and may be renewed subject to the ~~regulations~~ in effect prior to the adoption of ~~these~~ new regulations providing conditions and agreements contained in the original applications have not changed, and that no conditions exist that would be injurious to public health, or restrict the normal use and enjoyment of contiguous property. All renewal of permits subsequent to the adoption of ~~these~~ regulations shall be subject to the adopted schedule of fees.
- 9.9 All new applications for a permit to keep animals and all variance requests submitted after June-September 1st, 2016 will be considered by the Board only after the Board conducts a public hearing. Notice of public hearing shall be provided, at the applicants' expense, by registered return receipt mail to all abutters (see definition of abutter) and by legal notice in a local newspaper of general circulation. Both methods of notice shall provide at least fourteen days' notice prior to the

public hearing. The applicant shall submit a list of abutters, certified by the Town Assessor, with the application.

10.0 PENALTIES

If there is a violation of this regulation, including but not limited to if any deficiencies on the property in any way affecting the well-being of the animal, the immediate neighborhood and/or the public health ~~and~~ are found, upon routine inspection by the Animal Inspector or upon complaint received by the Board of Health, and an inspection confirms the validity of such complaint, a representative of the Board of Health or its agent may issue a written order (“Order”) to the person or persons having control of the premises to correct the offending deficiencies.

As an alternative to an Order or in the event that a person does not comply with an Order and such Order is not modified or withdrawn, the Board may commence an enforcement action to correct such violation(s).

In accordance with Massachusetts General Laws Chapter 111, Section 31, any violation of this regulation shall be subject to a maximum fine of up to one thousand dollars (\$1,000) per offense. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.

The Board may suspend, revoke or deny a permit if a permit holder is found to be in violation of any provision of this regulation by the Board.

~~Violation of any provision of this regulation will result in an enforcement action to correct such violation(s). Failure to correct a violation within the specified time will subject person(s) to the following penalties:~~

~~10.1 Penalties include a criminal complaint being sought in district court or the issuance of a non criminal disposition pursuant to Chapter 40, Section 21D of the Mass General Laws. Criminal fines include penalties up to three hundred dollars (\$300) each day the violation continues and non criminal fines include a fine of fifty dollars (\$50) each day the violation continues.~~

~~10.2 The Board may suspend, revoke or deny a permit if a permit holder is found to be in violation.~~

11.0 HEARINGS

Any person to whom an Order has been served shall have the opportunity to request a hearing before the Board. A request must be made in writing within seven (7) days after the Order was served. For purposes of this section, an Order shall be deemed to have been served on the date

Minimum Standards for the Keeping of Animals
Town of Bedford Board of Health (eff. 9/1/16)

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Comment [BHM7]: The second paragraph of Section 10 seems to potentially conflict with the first paragraph – the second paragraph references enforcement action for violations, whereas the first paragraph references an enforcement order; I recommend that an enforcement action include, but not be limited to, an Order – depending on severity of the violation, the Board may consider going to court to get an injunction, and not being prevented from doing so because of a requirement to issue an Order first. I also recommend noting that failure to comply with the Order may be grounds for enforcement. Also, the non-criminal disposition statute (M.G.L. c. 40, s. 21D) requires that a by-law adopt non-criminal disposition for violation of a regulation – I did not see any provision of the Bedford General Bylaws authorizing non-criminal disposition as a means to enforce, so this would need to be addressed by bylaw first. Under M.G.L. c. 111, s. 31, the board of health may adopt reasonable regulations and any violation of such regulations is subject to a fine of up to \$1,000 per violation – unless there is a specific statute authorizing a different fine (which is not the case here). In the event of a violation, per M.G.L. c. 111, s. 31, the Board could file a criminal complaint seeking a fine (which is criminal) or alternatively commence a civil action seeking an injunction (which is civil). There is no authority for the Board to issue a civil penalty under M.G.L. c. 111, s. 31 – only authority to seek a fine.

Suggested rewrite of this second paragraph to address these issues is:

As an alternative to an Order or in the event that a person does not comply with an Order and such Order is not modified or withdrawn, the Board may commence an enforcement action to correct such violation(s).

In accordance with Massachusetts General Laws Chapter 111, Section 31, any violation of this regulation shall be subject to a maximum fine of up to one thousand dollars (\$1,000) per offense. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.

The Board may suspend, revoke or deny a permit if a permit holder is found to be in violation of any provision of this regulation by the Board.

| of mailing, except as stated otherwise on the Order. At the hearing an owner may be given an opportunity to present evidence and to show why an Order should be modified or withdrawn.

12.0 VARIANCES

12.1: Variance to any section of this regulation may be requested in writing to the Board. When such a request is received, the matter will be reviewed at a Board of Health meeting and held in accordance with the requirements of Section 11.0 of this regulation³.

12.2: Variances shall be granted only under the following conditions:

- a) Strict enforcement of this regulation will constitute a manifest injustice AND,
- b) The granting of the variance shall not in any way impair the public health and safety, the environment or animal health.

⇒ The Board may impose any conditions, safeguards and other limitations on ~~of~~ a variance when it deems it appropriate to protect the public health and safety, the environment and or animal health.

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13.0 SEVERABILITY

| If any provision of ~~these regulations~~ is declared by a court of competent jurisdiction to be invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.